

CLAIM OF: BENNIE J. CLIFTON  
1100 Canal Street  
Decatur, Georgia 30032

For damages alleged to have been sustained as a result of a vehicular accident on January 26, 2000 at McDaniel and Stephen Streets.

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to BENNIE J. CLIFTON the sum of \$1,000.00 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on January 26, 2000 at McDaniel and Stephen Streets as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY CONSENT AGENDA

BY Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY ADOPTED BY

SEP 05 2000

COUNCIL

ABLE REPORT  
DATE 8/15/2000  
CITY C. H. MONT  
Michael R. Smith  
Stephen Mitchell  
Carolyn Pearson

CERTIFIED  
SEP 5 2000

APPROVED

SEP 14 2000

WITHOUT SIGNATURE  
BY OPERATION OF LAW

CERTIFIED  
SEP 05 2000  
Rosalind Rubens Newell  
MUNICIPAL CLERK



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-1240**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Bennie J. Clifton** in the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on January 26, 2000 at McDaniel and Stephen Streets** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403**

**SEP 05, 2000**

**SEP 14, 2000**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0375

Date: July 31, 2000

Claimant /Victim BENNIE J. CLIFTON

BY: (Atty) \_\_\_\_\_

Address: 1100 Canal Street, Decatur, Georgia 30032

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,073.46 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 06/15/00 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 01/26/00 Place: McDaniel and Stephens Streets

Department Police Division: \_\_\_\_\_

Employee involved Stephen M. O'Hare Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle misjudged his clearance as he was attempting a right turn and collided with the claimant's vehicle causing damages in the above amount.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_


Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 07-31-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK

City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: \_\_\_\_\_

Dear Municipal Clerk:

ENTERED - 6-22-00 - SB  
00L0375 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4073.46 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 1 26 00  
(month/day/year)

2. Police called: ☒ Yes ☐ No

3. Location of incident: McDaniel St. + Stephens St.

4. Name of your insurance company: Atlanta Casualty Policy No. 00159046

5. State what and how incident occurred: My vehicle was stopped at the stop sign. The police officer made a wide right turn + struck my vehicle.

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Chevrolet Impala 2000 15567 Velma Clifton  
(make) (year) (tag number) (driver's name)

City vehicle: \_\_\_\_\_  
(make) (City driver's name) (department/bureau)

Witness: Emily Moore 1046 Walden St. #410 (4) 790-7227  
(name) (address) (telephone number)

The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees).

10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Bennie Clifton  
(claimant's name)

1100 Canal St.  
(address)

Decatur, Ga. 30032  
(city and state)

(4) 284-4940  
(work number) (home number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0375

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100  
                     DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to Stephen M. O'Hare, from any and  
all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for  
or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident  
which occurred on or about the 26<sup>th</sup> day of January, 2000,

at or near McDaniel and Stephen Streets.

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 14<sup>th</sup> day of July, 2000.

Bennie J. Clifton (LS)  
BENNIE CLIFTON

The above release was read and explained to, and signed by the said \_\_\_\_\_

Bennie Clifton in our presence on the date above written.

Dulcy Mae Porter  
Notary Public, DeKalb County, Georgia  
My Commission Expires March 10, 2004

Witnesses

RCS# 2194  
9/05/00  
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS:	13	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	3	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Woolard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> <li>1. 00-O-1102</li> <li>2. 00-O-1143</li> <li>3. 00-O-1207</li> <li>4. 00-O-1295</li> <li>5. 00-O-1303</li> <li>6. 00-O-1313</li> <li>7. 00-O-1124</li> <li>8. 00-O-1125</li> <li>9. 00-O-1126</li> <li>10. 00-O-1127</li> <li>11. 00-O-1128</li> <li>12. 00-O-1133</li> <li>13. 00-O-1196</li> <li>14. 00-O-1298</li> <li>15. 00-O-1122</li> <li>16. 00-O-1300</li> <li>17. 00-R-1198</li> <li>18. 00-R-1230</li> <li>19. 00-R-1290</li> <li>20. 00-R-1312</li> <li>21. 00-R-1316</li> <li>22. 00-R-1265</li> <li>23. 00-R-1266</li> <li>24. 00-R-1267</li> <li>25. 00-R-1268</li> <li>26. 00-R-1270</li> <li>27. 00-R-1314</li> <li>28. 00-R-1229</li> <li>29. 00-R-1233</li> <li>30. 00-R-0886</li> <li>31. 00-R-1236</li> <li>32. 00-R-1237</li> <li>33. 00-R-1238</li> <li>34. 00-R-1239</li> <li>35. 00-R-1240</li> <li>36. 00-R-0241</li> <li>37. 00-R-1242</li> <li>38. 00-R-1243</li> <li>39. 00-R-1244</li> </ol>	<ol style="list-style-type: none"> <li>40. 00-R-1235</li> <li>41. 00-R-1245</li> <li>42. 00-R-1246</li> <li>43. 00-R-1247</li> <li>44. 00-R-1248</li> <li>45. 00-R-1249</li> <li>46. 00-R-1250</li> <li>47. 00-R-1251</li> <li>48. 00-R-1252</li> <li>49. 00-R-1253</li> <li>50. 00-R-1254</li> <li>51. 00-R-1255</li> <li>52. 00-R-1256</li> <li>53. 00-R-1257</li> <li>54. 00-R-1258</li> <li>55. 00-R-1259</li> <li>56. 00-R-1260</li> <li>57. 00-R-1261</li> <li>58. 00-R-1262</li> <li>59. 00-R-1263</li> <li>60. 00-R-1264</li> </ol>